

Subject:

**ELECTION OF PARENT AND TEACHER MEMBERS OF
BOARDS OF GOVERNORS**

Circular Number:
2017/20

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Target Audience:

- Principals and Boards of Governors of all grant-aided schools
- Education Authority
- Council for Catholic Maintained Schools
- Northern Ireland Council for Integrated Education
- Comhairle na Gaelscolaíochta
- Governing Bodies Association
- Catholic Schools' Trustee Service
- Controlled Schools' Support Council

Summary of Contents:

This Circular details the arrangements for the election of parent and teacher representatives as part of the reconstitution of school Boards of Governors.

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Essential

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Guidance for Schools

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None

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Circular 2013/22

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Not applicable

DE Website:
www.education-ni.gov.uk/department-education-circulars

ELECTION OF PARENT AND TEACHER MEMBERS OF BOARDS OF GOVERNORS

PART1: THE LEGAL POSITION

1. Schedules 4 to 7 of the Education and Libraries (Northern Ireland) Order 1986 (the 1986 Order) and Schedule 5 to the Education Reform (Northern Ireland) Order 1989 make provision for the election of representatives of parents and assistant teachers¹ to Boards of Governors of grant aided schools. The law requires:

- the Education Authority to make the election arrangements for controlled schools with the approval of the Department;
- the Board of Governors of every other school to make the election arrangements with the approval of the Department; and
- any vote take for the purpose of any such elections to be by secret ballot.

2. This Circular sets out arrangements for the election of parent and teacher representatives which have the approval of the Department. Where a departure from these arrangements is proposed, the Department's specific written approval should be sought before any elections are held.

3. The Department wishes to emphasise that there is no provision whereby any places on Boards of Governors for **teacher** members, which are left unfilled after an election may be filled by other means. Paragraph 14 gives guidance about unfilled parent governor positions.

4. School governors are restricted to holding no more than 3 governor appointments except with the approval of the Department. Article 12 of the 1986 Order as inserted by Article 37 of the Education and Libraries (NI) Order 1993 (the 1993 Order) refers.

PART 2: ELECTION OF PARENT GOVERNORS

5. Parent Governors must be elected by parents of pupils attending the school (or schools) at the time of the election from amongst the parents of such pupils. In law, the term "parent" includes a guardian and every person who has the actual custody of the pupil. An elected parent governor remains in office for the 4-year term (unless they resign) even if they cease to be a parent of a child attending the school. Article 13(5) of the 1986 Order refers.

6. Each eligible parent will be entitled to nominate candidates, to vote and to stand for election. Participation must not be restricted to one parent per family. Moreover, each parent, regardless of the number of his/her children in the school, is entitled to vote for as many candidates as there are places to be filled, if he/she chooses to do so. Candidates are eligible to vote. Voting may not be by proxy.

7. School authorities should designate a person other than a parent to act as Clerk to the election. One of the Clerk's first duties should be to write to parents explaining the procedures to be used for nominating candidates (see paragraph 8) and for voting (see paragraphs 9 to 13). Where the election takes place at a meeting of parents, the Clerk should normally act as Chairman.

¹ See paragraph 16 for a definition of Assistant Teacher.

Seeking Nominations

8. Only persons who are eligible to vote may propose and second nominations. If the election is to be conducted by means of a meeting, nominations need not be made in advance. If it is to be conducted by post, nominations should be sought at the initial stage; a nomination form should be provided and a period stipulated for its return. The form should be signed by the proposer and seconder and should include a request to the nominee to confirm his or her acceptance of a candidacy, if possible.

Voting at a meeting

9. The meeting of parents should be well publicised and might be arranged to coincide with another event. Each school authority should, in the light of its own circumstances, determine a realistic quorum for the meeting. If, exceptionally, a meeting should fail for want of a quorum, the school authority should decide what further steps it might reasonably take – e.g. by arranging a postal ballot.

10. If the number of nominees is equal to, or fewer than, the number of places to be filled, all candidates should be deemed to have been elected, without the need for a vote. Where there are more nominees than places to be filled, a ballot should be held. If tellers are appointed, they may themselves vote but should not be candidates. The candidates should be invited to scrutinise the count. A simple majority should determine the successful candidate(s).

Voting by Post

11. If the election is to be conducted by post, the Clerk should first examine all nominations received and confirm that those parents who have been nominated are prepared to stand. If the number of nominees is equal to, or fewer than, the number of places to be filled, all candidates should be deemed to have been elected, without the need for a vote.

12. Where there are more nominees than places to be filled, a postal ballot should be held. The requisite number of ballot papers should be prepared and validated, e.g. by impression or distinctive endorsement of the school stamp. Each eligible parent should receive one ballot paper together with explanatory notes. A final date for the return of votes should be indicated and candidates invited to scrutinise the count. Meanwhile, the completed ballot papers should be held securely. A simple majority should determine the successful candidate(s).

13. It is understood that on some occasions at previous elections, ballot papers have been sent home with the pupils. This is not a satisfactory practice and it is therefore recommended that ballot papers should either be handed directly to the parents i.e. at a meeting, or posted to them. Once completed, the ballot papers should be sealed and either, hand delivered by the parents or returned to the school by post.

Insufficient Nominations

14. Where the number of parents standing for election as parent members is less than the number of vacancies, the required number of parent members shall be made up by persons appointed by the voting members of the Board of Governors of the school. Where it is reasonably practicable to do so, voting members have a duty to appoint a person who

is the parent of a registered pupil at the school under Article 13(3A) of the 1986 Order as inserted by Article 121 of the Education Reform (NI) Order 1989.

Schools established in Hospitals

15. Where, in the opinion of the body responsible for the management of a school established in a hospital it is likely to be impracticable for there to be elections of parent members at the school, the required number of parent members may be made up by persons appointed by the voting members of the Board of Governors of the school. Article 13(3AA) of the 1986 Order as inserted by Article 35(9) of the 1993 Order refers.

PART 3: ELECTION OF TEACHER GOVERNORS

16. Teacher governors must be elected by assistant teachers at the school (or schools) at the time of the election from amongst such assistant teachers. In law, the term “assistant teacher” is “a teacher, other than the principal or a temporary or part-time teacher, employed on the staff of a school”. However, the Department has considered representations over the years from schools and unions to permit part-time teachers to be eligible to stand as teacher governors on the basis of equality of opportunity. Accordingly, the Department will raise no objection if part-time teachers are included in the election procedures for the 2017/18 Reconstitution process.

17. An elected teacher governor ceases to hold the office of governor when he/she ceases to be employed as a teacher at the permanent staff of the school. Article 13(4) of the 1986 Order refers.

18. Arrangements for the election of teacher governors should be drawn up by school authorities after consultation, either directly with the teachers concerned or with persons appearing to the school authority to represent their interests. Where such arrangements appear to have clear support and to satisfy the relevant provisions of the 1986 Order, as amended, the Department’s approval may be assumed.

19. The school authority should designate a person (who should not be eligible for election) to act as Clerk to the election. If the number of nominees is equal to, or fewer than, the number of places to be filled, all candidates should be deemed to have been elected, without the need for a vote. Where a ballot is necessary, tellers (who should not be candidates) may be appointed. Both candidates and tellers are eligible to vote and candidates should be invited to scrutinise the count. A simple majority should determine the successful candidate(s).

PART 4: GENERAL

20. If 2 or more candidates receive an equal number of votes during an election held at a meeting, a further ballot should be held in order to split the candidates. Only the candidates with the same number of votes should be involved in this ballot; any candidate/s with more votes should be declared elected and all others should be eliminated. If the further ballot also produces a tie, the result may be determined by lot. The result of a postal ballot which is inconclusive because of a tie may also be determined by lot.

Grouped Schools

21. Where 2 or more primary schools have been grouped together under one Board of Governors, one election involving all the schools should be held.